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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/777,468

02/12/2004

Joseph S. Stam

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06/09/2009

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EXAMINER

ALLISON, ANDRAE S

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

06/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,468

Applicant(s)

STAM ET AL.

Examiner

ANDRAE S. ALLISON

Art Unit

2624

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on After Final filed 05/26/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 17, 18, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 17, 18, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Remarks

1. The Office Action has been issued in response to amendment filed May 26, 2009. Claims 1-6, 17-18 and 23-24 are pending. Applicant's arguments have been carefully and respectfully considered in light of the instant amendment, and some are persuasive.

Claim Rejections – 35 USC section § 102&103

On pages 4-6 of the response, Applicant argues that Kobayashi fail to teach a control as a function of a weighted average, the Examiner respectfully disagrees .Kobayashi clearly teaches a controller configured to effect automatic operation as a function of an ambient light value, wherein said ambient light is a weighted average of a plurality of ambient light level readings acquired from a photo transducer in column 3, lines 22-44. Although Kobayashi does not specifically states a weighted average, this is an inherent feature, in that light received by a phototranducer is a weighted average of the light received by individaul detector on the phototranducer.

Applicant argued on pages 6-10, that one of ordinary skilled in the art would not have been taught or suggest to arrive at each of the element, and Simpson did not teach "weighted average " The Examiner disagrees since Kobayashi and simpson are both in the same field of endeavour of using nueral network to classify images. Also the Examiner submit that Kobayashi in view of Simpson dicloses all the limitations of claim

17. Moreover, Simpson was not relied upon for the limitation the "weighted average". Although Kobayashi does not specifically states a weighted average, this is an inherent feature, in that light received by a phototransducer is a weighted average of the light received by individual detector on the phototransducer.

Applicant argue on pages 12-13, Sekine does not teach the limitation "weighted average". However, Sekine was not relied upon for the rejection of the limitation "weighted average". Moreover, although Kobayashi does not specifically states a weighted average, this is an inherent feature, in that light received by a phototransducer is a weighted average of the light received by individual detector on the phototransducer.

Examiner Notes

The Examiner inadvertently rejected claim 18 under 102(b) as being anticipated by Kobayashi, however, claim 17 from which claim 18 depends is rejection as being obvious of Kobayashi in view of Simpson. Therefore the rejection of claim 18 is being withdrawn; however, claims 18 is now rejected as being obvious of Kobayashi in view of Simpson.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi (US Patent No.: 6,254,259).

As to independent claim 1, Kobayashi discloses an automatic vehicle exterior light control system (vehicle lamp system, see Fig 1), comprising: a controller (3, illumination control means, see Fig 1) configured to effect automatic operation as a function of an ambient light value, wherein said ambient light is a weighted average of a plurality of ambient light level readings acquired from a photo transducer (see column 3, lines 22-44 – where an extraneous light detection means detects ambient light using an illumination detection sensor) further configured to generate an exterior light control signal as a function of the presents of an atmospheric condition of interest (2, environment detection means, see Fig 1), wherein said controller is further configured to distinguish between reflections off of a highly reflective surface and reflections off of atmospheric conditions of interest (note that the environment detections means can determine the weather and road surface conditions using images; see column 2, lines 55-61), wherein an exterior light control output of said controller is in a first state when reflections off of a highly reflective surface are detected and said exterior light control output is in a second state when reflections off of atmospheric conditions of interest are detected (see column 4, lines 1-6, where the distribution of the luminous intensity changes based the atmospheric condition).

As to claim 2, Kobayashi teaches an automatic vehicle exterior light control system wherein said highly reflective surface is selected from the group comprising: an

at least partially wet road, an at least partially snow covered road, an at least partially ice covered road, a surface of a snow pile along a road, and a surface of an at least partially snow covered road side (e.g. snowy, see column 3, lines 10-16, note that the reflective surfaces are examples of road surface conditions).

As to claim 3, Kobayashi teaches an automatic vehicle exterior light control system wherein said atmospheric condition of interest is selected from the group comprising: fog, mist, snow, sleet, hail, rain, steam, smoke and dust (e.g. fog, see column 3, lines 1-5, note that the atmospheric condition are examples of weather conditions).

As to claim 4, note the discussion of claim 2 above.

As to claim 6, Kobayashi teaches an automatic vehicle exterior light control system wherein said controller is further configured to manipulate an exterior light maximum brightness limit (see column 3, lines 56-60).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (US Patent No.: 6,254,259) in view Simpson et al (NPL document titled: "A Recurrent Neural Network Classifier for Improved Retrievals of Areal Extent of Snow Cover ").

As to claim 5, Kobayashi teaches an automatic vehicle exterior light control system wherein said reflections are identified by employing slope of pixel column location versus pixel grayscale value of at least a portion of a column of pixels within at least one image (see column 3, lines 50-52, where one of the parameter for the control means is the distribution of luminous intensity), increase brightness of controlled vehicle's exterior light (intensity of light, see column 3, lines 50-52). However Kobayashi does not expressly disclose at least one probability function, and at least one neural network. Simpson discloses a recurrent neural network classifier (see title), which includes at least one probability function (see page 2136, [p][005], lines 1-11 where a probability function is used in the selection of texture models), and at least one neural network (NN, see Fig 1). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have combined the teachings of Kobayashi and Simpson to accurately determine the atmospheric or weather conditions by using a neural network to classify image data collected from the exterior of the vehicle because Kobayashi does not make this determination and neural networks are a well know way to make this type of determination.

As to claim 17, all the limitations are discussed above except: "wherein a state of an exterior light control output of said, controller is at least partially dependent upon. the source of said reflection in said image". Simpson teaches wherein a state of an exterior light control output of said, controller is at least partially dependent upon the source of said reflection in said image (see column 4, where the intensity of the light is dependent upon the detection of precipitation of now and density of fog).

As to claim 18, note the discussion of claim 6 above.

6. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jose (US Patent No.: 5,798,911) in view of Sekine et al (US Patent No.: 5,963,148).

As to independent claim 23, Jose disclose an automatic vehicle exterior light control system (automatic light system, see Fig 1), comprising: a controller (60, control means, see Fig 1) configured to effect automatic operation as a function of an ambient light value, wherein said ambient light is a weighted average of a plurality of ambient light level readings acquired from a photo transducer (see column 9, lines 4-10 – where the automatic light sensor contains a light sensor which measures the average external light intensity) further configured to detect at least one of a pedestrian and a bicyclist and further configured to provide a corresponding indication to an operator of a controlled vehicle, wherein a state of an exterior light control output of said controller is at least partially dependent upon detection of either a pedestrian or a bicyclist. (see column 11, lines 31-49, where an emergency condition such a pedestrian or wild animal

is detected and the beam range is automatically reduced). However, Josie did not expressly disclose providing a corresponding indication to an operator of a controlled vehicle. Sekine disclose a road situation perceiving system, in which an indication is provided to an operator of a controlled vehicle if there is an obstacle present in the road (see Fig 2, Step 5). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have combined the teaching of Josie and Sekine to perceive a road situation ahead of a subject vehicle so that an appropriate countermeasure may be performed, if necessary, without relying on a driver's visual judgment (column 1, lines 37-42), while alerting the driver of an hazardous situation in the form of an alarm (column 2, lines 14-16) and also providing the driver with a view of the hazardous situation on a display (column 2, lines 54-59).

As to claim 24, neither Josie or Sekine disclose an automatic vehicle exterior light control system further configured to disable automatic operation of at least one high beam headlight in response to an operator activated input device. However, it would have been obvious to disable automatic operation of at least one high beam headlight in response to an operator activated input device to turn off the high beam in cases where the automatic vehicle exterior light control system fails to turn off the high beam so that an on coming car, a cyclist or pedestrian is not dazzle by the high beams (OFFICIAL NOTICE).

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDRAE S. ALLISON whose telephone number is (571)270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrae Allison

June 6, 2009

/Vikkram Bali/

Supervisory Patent Examiner, Art Unit 2624